

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**DePuy Mitek, Inc.)
a Massachusetts Corporation)
Plaintiff,)
v.) Civil No. 04-12457 PBS
Arthrex, Inc.)
a Delaware Corporation and)
Pearsalls Ltd.)
a Private Limited Company)
of the United Kingdom)
Defendants.**

JOINT MOTION FOR ENTRY OF A REVISED SCHEDULING ORDER

DePuy Mitek, Inc. (“DePuy Mitek”), Arthrex, Inc. (“Arthrex”), and Pearsalls Ltd. (“Pearsalls”) (the “Parties”), hereby jointly move the Court for entry of a revised scheduling order in the above captioned case. The Parties have worked diligently to maintain the original schedule. However, the Parties agree that a modification in the pretrial schedule is required due to scheduling conflicts for both parties’ counsel. Counsel for DePuy Mitek have a trial scheduled to begin on May 11, 2006 in Chicago, and counsel for Arthrex and Pearsalls have a trial scheduled to begin on April 17, 2006 in Tampa. The Parties agree that the proposed modification is needed to accommodate these trial schedules.

The Parties’ proposed revision extends the deadlines for exchanging rebuttal expert reports and completing expert discovery, for filing dispositive motions and trial readiness by approximately two months. The Parties respectfully move the Court for entry of the proposed scheduling Order attached hereto, which would revise the Scheduling Order as follows:

Event	Date
Rebuttal expert reports	April 13, 2006
Close of expert discovery	June 30, 2006
Opening Briefs on Summary Judgment (last day to file dispositive motions) and Claim Construction	July 26, 2006
Opposition Summary Judgment Briefs and Claim Construction	August 16, 2006
Reply Summary Judgment Briefs and Claim Construction	August 25, 2006
Summary Judgment and <i>Markman</i> Hearing	Week of September 25, 2006 (or such other time convenient with the Court's schedule)
Final Pretrial Conference	October 27, 2006 (or such other time convenient with the Court's schedule)
Trial (5-7 days)	November 13, 2006 (or such other time convenient with the Court's schedule)

Respectfully Submitted,

Counsel for Plaintiff

By: /s/ Michelle Chassereau Jackson

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Dated: April 11, 2006

Dated: April 11, 2006

CERTIFICATE OF SERVICE

I certify that the foregoing **JOINT MOTION FOR ENTRY OF A REVISED SCHEDULING ORDER** was served electronically on counsel for Arthrex and Pearsalls on April 11, 2006 as identified below:

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Dated: April 11, 2006

/s/ Michelle Chassereau Jackson
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 a Private Limited Company)
 of the United Kingdom)
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Defendants.

REVISED SCHEDULING ORDER

Upon consideration of the Joint Motion for Entry of a Revised Scheduling Order, the following revised scheduling order is hereby entered in the above-captioned matter.

Event	Date
Rebuttal expert reports	April 13, 2006
Close of expert discovery	June 30, 2006
Opening Briefs on Summary Judgment (last day to file dispositive motions) and Claim Construction	July 26, 2006
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SO ORDERED on this _____ day of _____, 2006.

United States District Judge

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